

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

JOHN FELIX GREER

*Plaintiff,*

*v.*

WARDEN YAZOO CITY - LOW

*Defendant.*

CAUSE NO. 3:20-CV-188-CWR-FKB

**ORDER**

This matter is before the Court pursuant to the Report and Recommendation of the United States Magistrate Judge, which was entered on December 1, 2022. Docket No. 18. The Report and Recommendation notified the parties that failure to file written objections to the findings and recommendations contained therein within 14 days after service would bar further appeal in accordance with 28 U.S.C. § 636. *Id.*

On December 19, 2022, Plaintiff filed a *Motion for Extension of Time to File a Response* as to the Report and Recommendation. Docket No. 19. The Court granted Plaintiff's motion and set a deadline for January 9, 2023. Plaintiff filed his objection to the Report and Recommendation on January 23, 2023. Docket No. 21.

Despite its untimeliness, the Court accepts Plaintiff's objection to the Report and Recommendation. The (third) *Motion for Out of Time Extension to File Response* [Docket No. 20], is granted. On review, though, Plaintiff reasserts several claims inconsistent with Fifth Circuit case law. For example, Plaintiff maintains that he need not contend that he

lacked knowledge of his felon status under §2255(e)'s saving clause, a contention which was thoroughly explained as unpersuasive by the Magistrate Judge.

Finding that Plaintiff's claims fail on the merits, this Court hereby adopts said Report and Recommendation as the Order of this Court. Accordingly, this case is dismissed. A separate Final Judgment will issue.

**SO ORDERED**, this the 26th day of January, 2023.

s/ Carlton W. Reeves

UNITED STATES DISTRICT JUDGE